

**Saint Paul Planning Commission
City Hall Conference Center
15 Kellogg Boulevard West**

Minutes July 22, 2011

A meeting of the Planning Commission of the City of Saint Paul was held Friday, July 22, 2011, at 8:30 a.m. in the Conference Center of City Hall.

Commissioners Present: Mmes. Perrus, Reveal, Thao, Wang, Wencl; and Messrs. Commers, Connolly, Fernandez, Gelgelu, Kramer, Nelson, Ochs, Oliver, Schertler, Spaulding, and Ward.

Commissioners Absent: Mmes. *Halverson, *Merrigan, *Porter, *Young, and Mr. *Wickiser.
*Excused

Also Present: Donna Drummond, Planning Director; Lucy Thompson, Penelope Simison, Jessica Rosenfeld, Christina Morrison, and Sonja Butler, Department of Planning and Economic Development staff.

I. Approval of minutes July 8, 2011.

Chair Commers announced that the minutes are not available at this time. However they will be ready for approval at the August 5, 2011 meeting.

II. Chair's Announcements

Chair Commers had no announcements.

III. Planning Director's Announcements

Donna Drummond announced that the Mayor sent out a budget update in response to the state's recently adopted budget. The City will receive a cut in local government aid (LGA) effective this year of \$12 million and \$3.5 million in the 2011 market value homestead credit, leaving \$15.5 million in total cuts for the current budget year. The cut in LGA for 2012 will be \$12 million. These are fairly significant reductions and cuts. There will be some work to do to figure out how to respond to that, given this is the mid-point of the City's 2011 budget year, which only leaves 6 months to respond to the \$15 million in cuts for 2011.

IV. PUBLIC HEARING: District 9 Residential Zoning Study – Item from the Neighborhood Planning Committee. (Jessica Rosenfeld, 651/266-6560)

Chair Commers announced that the Saint Paul Planning Commission was holding a public hearing on the District 9 Residential Zoning Study. Notice of the public hearing was published in the Legal Ledger on June 27, 2011, the Pioneer Press on July 1st, 8th, the 15th and mailed to property owners, the citywide Early Notification System list of recipients, and other interested

parties.

Jessica Rosenfeld, PED staff talked about the District 9 Residential Zoning Study, stating that the purpose of the District 9 Residential Study is to assess the impact of converting single family homes to duplexes and triplexes and to make zoning recommendations for the area as a whole. The current land use is primarily single-family homes with some duplexes, triplexes, and some small multi-family and some large multi-family housing. The current zoning is mostly RT2 and RM2. The goal of the proposed zoning is to reflect the current land use and neighborhood patterns and to minimize the creation of non conforming uses. The proposed zoning is mostly R4, with some smaller areas of RT1/RT2, T1/T2, and RM2/RM3. Under the proposed R4 zoning, 44 duplex and triplex properties would become nonconforming.

Chair Commers read the rules of procedure for the public hearing.

The following people spoke:

1. Ms. Naomi Austin and her husband are residents in the District 9 neighborhood and they both agree with the recommendations of the zoning study report. She thinks that it is important to limit the expansion of single-family house conversions to multi-family housing. They moved to the West 7th area 15 years ago and there was about 40% rental properties and it has gone up to about 70% rental. Ms. Austin said that when a neighborhood gets more rental properties it is difficult to get to know your neighbors because they are only there for a short time, and if a homeowner decides to sell their home they have to wonder how much to fix it up because it might be turned into another rental property. Some rental properties are fine, but what was happening is that people were buying more rental properties than they can maintain, which leads to neighborhood decline. Ms. Austin and her husband were attracted to the neighborhood because of its historic character, and that character should be protected.
2. Ms. Peg Brown said that she applauds the work that has been done on behalf of this and she supports the effort.
3. Ms. Becky Yust, Chair of District 9 Comprehensive Planning Committee, worked on the District 9 Area plan for about four years. When the plan was getting its final approval, Ms. Yust remembers meeting with Councilmember Thune, some members of the neighborhood and Fort Road Federation staff and they discussed the problem of vacant, investor-owned properties, and their concerns that their secure neighborhood was quickly changing. The zoning changes are necessary to make sure that their great neighborhood stays that way.
4. Mr. Tom Brock, a neighborhood resident also representing the Little Bohemia Neighborhood Association, spoke in favor of the zoning study. He understands the devastation that has been caused by years of irresponsible investors turning single-family homes into multi-unit rental properties. Their neighborhood group was formed to address the issue of vacant and foreclosed properties, which were mostly rental units. The City is working with the neighbors to invest a lot of money, time and effort with the NSP and the Invest St. Paul programs and stabilize the neighborhood. If this zoning study is not approved, he is concerned that that the area would still be ripe for irresponsible investors and property owners to come in and do the type of damage that they are still recovering

from. Mr. Brock submitted several letters of support from residents not able to attend today.

MOTION: *Commissioner Wencl moved to close the public hearing, leave the record open for written testimony until 4:30 p.m. on Monday, July 25, 2011, and to refer the matter back to the Neighborhood Planning Committee for review and recommendation. Commissioner Reveal seconded the motion. The motion carried unanimously on a voice vote.*

PUBLIC HEARING: District 9 Commercial Zoning Study – Item from the Neighborhood Planning Committee. (*Lucy Thompson, 651/266-6578*)

Chair Commers announced that the Saint Paul Planning Commission was holding a public hearing on the District 9 Commercial Zoning Study. Notice of the public hearing was published in the Legal Ledger on June 27, 2011, and mailed to property owners, the citywide Early Notification System list of recipients, and other interested parties.

Lucy Thompson, PED staff gave a brief presentation about the District 9 Commercial Zoning Study. Ms. Thompson said that this is part of a moratorium that will expire on October 27, 2011. Ms. Thompson showed the proposed zoning map; staff is recommending rezoning all of the B2 and B3 properties to T2. T2 is a perfect fit for a transit corridor like West 7th Street. It will provide for medium-density development with a wide range of residential and commercial uses. Immediately adjacent to the commercial properties are predominantly single-family and duplex residences, so there is a delicate transition that needs to happen between West 7th and the adjacent residential neighborhood. T2 is a zone that allows for a transition to the adjacent residential.

Commissioner Nelson asked what differences there are with regard to allowable uses, areas, heights, densities, etc. between the B3 and T2. It sounded like T2 might be slightly denser than a B3 zone.

Ms. Thompson responded that 100% housing is not permitted on a parcel in the B3 district; housing is permitted only in conjunction with commercial use. T2 allows a property to be devoted 100% to a residential use. The T districts also require compliance with a set of design standards that address how uses and buildings relate to the street, general building design, etc.

Commissioner Spaulding said that there has been an informal understanding on the part of the neighborhood that the United Hospital and Children's Hospital campus would not cross Grand/Ramsey Street. He wondered whether the City has adopted anything that formally prohibits expansion across Grand/Ramsey.

Ms. Thompson said that, to her knowledge, there is no formal agreement between the hospital and neighborhood regarding the boundaries of the United/Children's campus, but believes there has been an informal understanding. The *Seven Corners Gateway Plan*, adopted by the City Council as official land use and urban design policy for this area, but not as part of the Comprehensive Plan, talks about the campus staying north of 7th and growing by using vacant parcels or surface parking lots within its current boundaries.

Chair Commers read the rules of procedure for the public hearing.

The following people spoke:

1. Mr. David Rich, a resident of the neighborhood, said that, like many of his neighbors he is concerned about the area surrounding Smith and West 7th Street, and asked that it be zoned T2 with an overlay district. The area is already over-saturated with dangerous traffic, frequent crashes, too many surface parking lots, ramps and an enormous pedestrian-hostile dead zone. They want development that is consistent with the residential/mixed-use scale of the neighborhood (for example, storefronts with apartments above) creating a critical mass of human scale, “eyes on the street” uses that begin to restore the continuity of one of Saint Paul’s oldest neighborhoods. Instead of a costly relocation of the lonely brick house left at Smith and West 7th, that building could serve as a model for restoring a pedestrian-friendly human scale to the area. Two more old houses on Smith were just torn down; seemingly setting the stage for yet another expansion of parking or development that is already out of scale with the neighborhood. He hopes the Planning Commission will act in accordance with well- established neighborhood planning recommendations, and facilitate livable, sustainable, balanced and appropriate development for this important intersection of their community.
2. Ms. Paulette Myers-Rich, a resident of the District 9 neighborhood and also representing several of the neighbors who have also submitted letters to Ms. Lucy Thompson. Ms. Myers-Rich said that they are very dedicated to the Uppertown neighborhood and to the West 7th community’s stability and vitality. Proper rezoning for the two commercial areas is crucial for the renewal of Saint Paul’s oldest neighborhood. Because of its age, the neighborhood has suffered greatly from neglect, speculation and the construction of 35E in the 1980’s when a great deal of housing, neighbors and businesses were lost. The Little Bohemia part of Uppertown has been especially hard hit with a large number of foreclosures and vacant properties. It is part of the Invest St. Paul program. Ms. Myers-Rich’s part of Uppertown had five vacant properties in a one square block radius, but all of those have now been renovated, several by existing residents of West 7th, with one remaining house to be renovated by the Fort Road Federation.

It’s crucial to the success of their efforts that the commercial areas are zoned T2 with an overlay that is sensitive to the neighborhood adjoining these sites. The neighborhood wishes to see smaller-scale development that provides for sustainable and flexible use by offices, services, retail and housing. They also want the overlay to have design guidelines that relate to and value the historic assets on or adjoining these sites. They also need development that is less dependent on automobiles. The area is already quite congested with high accident rates. They have a vision for their community, and want to see this land put to the highest and best use for the neighborhood. They believe that T2 with an overlay district (such as the East Grand Avenue guidelines) at the very least, or T1 or some site specific zoning or overlay language would facilitate their vision for a more vibrant community.

3. Mr. Jack Appert, with Kraus Anderson Realty (KA), spoke in favor of retaining B3 zoning in the neighborhood. They submitted a letter in opposition (on Faegre & Benson letterhead). They want zoning to remain flexible for a potential future expansion of United/Children’s Hospital. There is no set plan or date for such an expansion, but they want to maintain flexibility. T2 zoning would require a conditional use permit, which in real estate is an invitation to delay or extension the process, which in turn incurs costs. The hospital promotes jobs, which bring residents who would help vitalize the rest of the

neighborhood.

Commissioner Nelson noted that, along Ramsey Street, there is B3 zoning on the left and right of the area being talked about. He asked whether Ramsey Street seems like an appropriate street to have residential uses at street level.

Mr. Appert explained that, currently, there is not a big apartment market, so apartments above retail are unlikely. There is too much heavily-subsidized housing already available, making it nearly impossible for a developer to compete in that market. They had explored that option, but were advised that the market is not there right now.

Commissioner Nelson questioned whether, with the amount of traffic and general character of Ramsey Street, housing on the ground floor (as permitted in T2) is appropriate, or whether it is more appropriate to have housing on upper levels with retail at street level. Mr. Appert stated that, down the road, there might be some retail on the first floor with housing above.

Commissioner Connolly asked if Mr. Appert had a gut feeling for the differential in density or profitability between B3 and T2.

Mr. Appert thinks that down the road as far as those parcels next to them there might be some retail on the bottom with some housing above it.

Mr. Appert said right now, the only interests they've had in their parcels along Ramsey are for medical uses or clinics, which are allowed under T2. However, they feel this would be underutilization of the site. The highest and best use would be for the hospital to move over there. Chances are they would not move beds, but perhaps administrative offices or an ambulatory clinic.

Commissioner Connolly asked what the site would be worth under T2 if it is worth \$1.00 today.

Mr. Appert said it is tough to guess, but possibly 50 cents. If an expansion of the hospital occurs, and it were 10 stories tall (which he doubts), it would be significant. If it would be a 4-5 story clinic, it probably would not be much of a difference. KA just wants to maintain flexibility to put its parcels to the highest and best use.

Commissioner Ward said the Zoning Code allows for a mixture of clinical, medical and any type of office as well as some type of housing. He noted that, in order to achieve the highest and best use, KA could put housing on top of the existing one-story building. He asked whether KA had considered adding stories to its office building.

Mr. Appert said that they did when they talked to the housing developers, but then determined that the residential market is not there yet. The existing building would be difficult to repurpose, so a major change in land use is more likely to entail full-scale redevelopment.

4. Mr. Tony Bonfe, one of the four owners of Bonfe's Auto Service, located on West 7th Street. They own six parcels of land within the study area boundaries and strongly object

to the proposed rezoning from B3 (General Business) to T2 (Traditional Neighborhood). Changing the zoning and putting restrictions on what can be built is unfair to current land owners, because it will greatly decrease the resale value of their property, and to neighbors, developers, shoppers and employees looking for goods, services, restaurants, housing, parking or health care. The West 7th Street business community has come a long way in the last ten years. What was once a dying avenue where everything was run down and business closings were a monthly occurrence, is now a thriving business district. Everything that has happened to this Saint Paul neighborhood is positive, and he sees no reason why continued growth should be restricted by a zoning change.

Commissioner Spaulding asked if there were specific restrictions that are of particularly concern to him.

Mr. Tony Bonfe explained that they own property on both sides of West 7th Street; Chances are that their property on the south side of the street will never change. They also own three parcels of land north of West 7th Street. There is a good chance that the hospital wants to move south of Ramsey Street, and they would not be opposed to that. They want the flexibility to sell their property on the north side of the street to whoever would want to develop it. There are no homes within that part of the study area, and he does not think it should be restricted.

5. Ms. Naomi Austin said that she has talked to neighbors about this, and they generally support the proposed zoning, as it would make the area more pedestrian-friendly area and respect the historic character of the neighborhood. Urban renewal has been slowly "picking off" the neighborhood, and they are afraid that even more is going to happen. Ms. Austin thinks that there is fear in the neighborhood of the expansion of the hospital. The neighbors would rather see mixed use in pedestrian-friendly areas, as that is a better transition to the neighborhood. The change in the zoning would make the neighborhood more marketable to future residents.
6. Ms. Becky Yust owns property in the area. In terms of "highest and best use," it seems to her that B3 is very restrictive because it does not allow flexibility, while T2 does. T2 does not *require* housing; it *allows* housing, whereas B3 does not allow housing at all. The argument that housing would not be good on the first floor is moot, since that would not be required under T2. There are many housing developments in the city that have housing on the first floor in very hostile environments. Also, regarding the land around Kraus Anderson, some of the "highest and best use" they have put that land to is parking lots.

Commissioner Spaulding said that the western part of the land Kraus-Anderson owns between West 7th Street and Ramsey Street on Smith contained single family homes or duplexes as recently as ten years ago.

Ms. Yust confirmed that there was indeed housing there, many of the homes moved to that location when the High Bridge was realigned back in the late 80's or early 90's.

Commissioner Connolly said that he is trying to figure out whether it is better to incentivize the production of a housing unit at this site - however long it may take - or the creation of a job. He wondered if there is some idea of how many people who work at

the hospital actively shop in the neighborhood versus how many people who live in the neighborhood who actively shop in the neighborhood.

Ms. Yust said that they see the hospital employees walking through the neighborhood because they have parking down by Irvine Park. They stop at the coffee shop and eat at the restaurants in the neighborhood. One of the attractions for living in the neighborhood is that the hospital is a huge employer, as is the school district. Ms. Yust does not see any jobs in the vacant building at 414 West 7th or the Kraus Anderson building, which are currently zoned B3.

Mr. Tony Bonfe asked why the study area includes the area north of West 7th Street. Ms. Thompson responded that the boundaries were set by the City Council. She presumes that this area was included specifically to address concerns about the potential expansion of United/Children's across Grand/Ramsey.

7. Mr. James McClean, Saint Paul Chamber of Commerce, reported the results of a survey of 500 randomly-selected Saint Paul residents. One of the findings of the survey was that 37% strongly supported and 50% somewhat supported providing tax breaks for businesses that create jobs in Saint Paul, indicating that jobs are a huge concern for Saint Paul residents. He is concerned that changing the zoning would put more restrictions on some of the businesses that would otherwise bring jobs to the city.

Commissioner Reveal asked if staff could clarify what the differences are between B3 and T2.

Donna Drummond, Planning Director, explained that the difference between B3 and T2 is primarily that there are more design standards in T2. T2 allows more flexibility than B3 in terms of types of uses. Height limits are similar - 35 feet in T2 and 30 feet in B3 - with some provisions to go higher with a conditional use permit for T2. The primary difference in uses permitted is that T2 is more restrictive on auto-related uses. T2 has a minimum density requirement of a 0.3 floor area ratio, which B3 does not. T2 does not allow, for example, a surface parking lot in front of buildings, and it limits the amount of surface parking that can be adjacent to a street. One of the points made by one of the speakers is that you can have medical clinics and offices in T2, but a hospital use would require a conditional use permit.

8. Mr. Tom Bonfe is part owner of the six parcels for Bonfe Auto Service. He is in favor of leaving the zoning the way it is and having more development that brings more people into the area. He stated that he regularly observes neighborhood employees, including those from the hospital, patronizing local establishments and businesses.

MOTION: *Commissioner Wencl moved to close the public hearing, leave the record open for written testimony until 4:30 p.m. on Monday, July 25, 2011, and to refer the matter back to the Neighborhood Planning Committee for review and recommendation. Commissioner Ward seconded the motion. The motion carried unanimously on a voice vote.*

V. Zoning Committee

SITE PLAN REVIEW – List of current applications. (Tom Beach, 651/266-9086)

Two items will come before the staff Site Plan Review Committee on Tuesday, July 19, 2011: Sirijundho Meditations Center of Minnesota located at 1318 Point Douglas Road, house move; Semple Outdoor Storage located 91 Ridder Circle.

Four items will come before the staff Site Plan Review Committee on Tuesday, July 26, 2011: Conway Rec Center Play Area and Pederson Pathway Replacement Project located at 2090 Conway Street; Half Price Books located at 2041 Ford Parkway, parking lot resurface; Como Zoo located at 1275 Midway Parkway, Gorilla exhibit enlargement; Nova Classical Academy located 1450 Mercer Way, new school.

NO BUSINESS

Commissioner Kramer announced the items on the agenda for the next Zoning Committee meeting on Thursday, July 28, 2011.

VI. Neighborhood Planning Committee

District 6 Small Area Plan 40-Acre Zoning Study – Recommendation to expand the study area boundaries. (*Penelope Simison, 651/266-6554*)

MOTION: *Commissioner Wencl moved the Neighborhood Planning Committee's recommendation to approve the resolution to expand the study area boundaries. The motion carried unanimously on a voice vote.*

Highland Village Special District Sign Plan – Recommendation to initiate a zoning study to amend the special sign district plan. (*Kate Reilly, 651/266-6618*)

MOTION: *Commissioner Wencl moved the Neighborhood Planning Committee's recommendation to approve the resolution initiating a zoning study to amend the special sign district plan. The motion carried unanimously on a voice vote.*

Commissioner Wencl announced the items on the agenda for the next Neighborhood Planning Committee on Wednesday, July 27, 2011.

VII. Transportation Committee

Parking Meter System Replacement Report – Recommend approval to proceed. (*Paul St. Martin, Public Works, 651/266-6118*)

Commissioner Wang said the committee reviewed the Parking Meter System Replacement Report. She noted that staff tested new credit card meters downtown and participated with Minneapolis in a study of other meter formats. The replacement proposals include installation of new meter types in different locations, hourly price increases, time limit increases, and improved signage. The Transportation Committee recommended approval to proceed and encouraged exploration of policy issues related to better balancing the on and off street parking system.

Commissioner Kramer asked if the new replacement meters will show leftover time.

Christina Morrison, PED staff said that the group looked at three types of meters. The first meter, called POM, is a “dumb meter” similar to what is out there today. They are called this because they do not take credit cards and don’t provide data. The second type is a single-space “smart meter” called IPS. These were out over the winter for testing purposes, and they do take credit cards. The third type, the CALE meter, is a multi-space meter with a pay station on each block. This type of meter has data features and can be monitored and altered from the web or by smart phone. On the single-space dumb meters, it is possible to see if there is leftover time. The single-space smart meters were not recommended to move forward due to some difficulties with reliability, communication to the meters, and higher transaction fees. The multi-space meters do not show time remaining on the meter. A new customer would not be able to see any remaining time, and would pay as they normally would.

Commissioner Perrus asked what revenues might be generated by doubling up on fees.

Ms. Morrison said that 5% additional revenue is estimated to be captured by users paying for space that has time remaining. There is also a 5% increase of revenues expected due to the availability of credit cards, which add convenience for the user.

Chair Commers noted that in Minneapolis specific spaces are designated even though collection is centralized in a multi-space meter. He asked if the City will still retain specific spaces, or if the block will be flexible to accommodating more cars where possible.

Ms. Morrison noted that like Minneapolis, the spaces would be designated, limiting flexibility. A number would be signed and associated with each space, which corresponds to the meter payment.

Commissioner Nelson explained that one advantage of having a multi-space station was to maximize the number of parking spaces available. For example, he noted, 10 smart cars would take up less space and create more parking. He asked why staff did not pursue more flexibility to maximize parking and revenue.

Ms. Morrison responded that report only covered multi-space pay stations associated with specific designated spaces. She did not have further background on this baseline assumption.

Commissioner Wencil commented that people who are short have a difficult time seeing the screen on the meter in the sun.

Commissioner Kramer asked how frequent the multi-space meters would be spaced, and if there would be impacts on handicap parking.

Ms. Morrison said that the CALE multi space meter are installed on each block, and that they are about the size of an ATM. They are typically installed in the middle of the block. She noted that if one pay station is not operational, a pay station on another block can be used. Morrison said that issues related to handicap parking were not addressed in the summary report.

Commissioner Ochs asked if the priority of the system is to generate revenue or to provide equal access for people who want to park downtown.

Ms. Morrison said that the parking meter work group was initiated by a letter from a number of downtown groups, including the Saint Paul Area Chamber, the Convention & Visitor Bureau, CapitolRiver Council, and BOMA. They requested improvements to the existing system to make it easier to come downtown and park.

Commissioner Connolly referred to Commissioner Kramer's question regarding handicap parking, and said that the people with a handicap permit can park free of charge at meters.

Commissioner Kramer clarified that he was also concerned about the proximity of the pay station to the meters.

MOTION: *Commissioner Wang moved the Transportation Committee's recommendation to approve the resolution. The motion carried unanimously on a voice vote.*

Projects for MnDOT Cooperative Agreement Program – Recommend approval to apply for FY 2013 projects. (*Paul St. Martin, Public Works, 651/266-6118*)

Commissioner Wang said that the committee reviewed proposed projects for MnDOT Cooperative Agreement Program: two traffic signal reconstruction projects and one traffic flow improvement project for which the city seeks MnDOT funds. The Transportation Committee recommended approval of the project being applied for under the fiscal year 2013.

Commissioner Reveal asked if these funds are likely to be affected by the state budget decision.

Commissioner Kramer said that it is likely the funds are from municipal state aid gas tax money as opposed to state funds.

MOTION: *Commissioner Wang moved the Transportation Committee's recommendation to approve the resolution to apply for FY 2013 projects. The motion carried unanimously on a voice vote.*

Red Rock Station Area Plan – Recommendation to release for public review and schedule a public hearing for September 2, 2011. (*Christina Morrison, 651/266-6546*)

Commissioner Wang said the committee reviewed the Red Rock Station Area Plan for a proposed future commuter rail station area. It includes a parking facility and a pedestrian bridge over Highway 61 to the rail platform. The Transportation Committee approved releasing the plan for a public hearing on September 2, 2011.

Commissioner Wencil noted that she was surprised to see a pedestrian bridge over Highway 61, stating that there was discussion about a tunnel instead.

Ms. Morrison stated that there was discussion about both a tunnel under Highway 61 and an bridge over Highway 61. There were concerns about preserving viewsheds, especially towards downtown along the 61 corridor. Ultimately, there was consensus that any safety issues with a tunnel it would be a bigger impact than the overhead bridge and that there were some potential cost savings, too. She noted the vertical circulation for the bridge would double as the vertical circulation in the parking ramp, and stated that the overhead bridge will be enclosed.

Commissioner Wencil said that there is already a tunnel underneath Highway 61 at Battle Creek Park.

Commissioner Ward recalled that one reason they chose the bridge was because of the location of existing utilities on the opposite side of Highway 61, and that going under the highway would be extremely cost prohibitive.

MOTION: *Commissioner Wang moved the Transportation Committee's recommendation to release the draft for public review and set a public hearing for September 2, 2011. The motion carried unanimously on a voice vote.*

Commissioner Spaulding announced the items on the agenda for the next Transportation Committee meeting on Monday, July 25, 2011.

VIII. Comprehensive Planning Committee

No report.

IX. Communications Committee

No report.

X. Task Force Reports

No task force reports.

Commissioner Fernandez asked about the City Council appeal regarding the approval of a front yard fence at Hope Presbyterian Church. It seems that it should have gone through the Planning Commission. Can the Planning Director address this?

Donna Drummond, Planning Director said the appeal is about the House of Hope Church on Summit Avenue, where they built a new garden and fence around it in the front yard of the church. That actually is under the purview of the Heritage Preservation Commission (HPC). For most of the building permits issued under the Heritage Preservation Ordinance, a staff level review is conducted because the staff makes a determination if it is consistent with the Historic District guidelines and signs off on the building permits before they are issued by the Department of Safety and Inspections. For cases where it is not clear whether or not the building permit is consistent with the guidelines or is not consistent then it goes to the HPC and they have a public hearing and they make a decision. In this case there was a staff level review, there was not an appeal immediately, but then there was an appeal filed after the fact and the City Attorney's Office advised that it was a valid appeal. This type of appeal goes directly to the City Council and does not go to the HPC, which is something that the HPC is looking at changing in the current work underway to update the Heritage Preservation Ordinance. So this case is overseen by HPC rather than the Planning Commission.

Commissioner Fernandez asked if a person has 14 days to file an appeal then why in this case was the appeal filed after three months or more?

Ms. Drummond said that she is not involved with the determination that the City Attorney's Office made, but she believes it was related to the awareness of the affected property owners or adjacent property owners about the permit and that whether or not the appeal was filed in a timely manner once they became aware of the approval of this permit.

Commissioner Nelson said since there was no public hearing and no public notice that any kind of hearing would occur, how would an individual know that a permit had been issued when a permit is actually good for one year and a person does not even have to start work on their project for an entire year after they get the building permit. So the idea of a 14-day appeal period on anything like that does not make sense at all, considering there was no notice for a person to respond to.

Ms. Drummond said yes that was the exact issue. The Heritage Preservation Ordinance is in need of revamping and it is something the HPC is working on currently, and so some of these issues are going to be talked about as part of that.

XI. Old Business

None.

XII. New Business

None.

XIII. Adjournment

Meeting adjourned at 10:20 a.m.

Recorded and prepared by
Sonja Butler, Planning Commission Secretary
Planning and Economic Development Department,
City of Saint Paul

Respectfully submitted,



Donna Drummond
Planning Director

Approved

8-5-2011

(Date)



Anthony Fernandez
Secretary of the Planning Commission